

**REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed July 21, 2005. Claims 1, 5-10, 19 and 22-29 are pending in the Application. Claims 1, 5-10, 19, 22-24 and 26-29 are rejected and Claim 25 is objected to. For at least the reasons discussed below, Applicants respectfully request reconsideration and favorable action in this case.

**Section 103 Rejections**

The Examiner rejects Claims 1, 5-7, and 19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,442,623 issued to Wu ("*Wu*") in view of U.S. Patent No. 6,226,111 issued to Chang et al. ("*Chang*").

Claim 1 of the present application recites the following:

A method for providing protection for connectionless signals in a telecommunications network comprising a plurality of nodes, the method comprising:

generating a first protection path for connectionless signals from each of the nodes to a destination node;

generating a second protection path for connectionless signals from each of the nodes to the destination node, the second protection path distinct from the first protection path such that the first and second protection paths do not have any common nodes or links; and

routing protection traffic along one of the protection paths to the destination node;

wherein generating the first protection path and generating the second protection path each comprise decomposing the telecommunications network into a ring and at least one ear.

Claim 19 recites similar, although not identical, limitations.

In order to establish a *prima facie* case of obviousness, three requirements must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge available to one skilled in the art, to modify a reference or combine multiple references; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or combination of references) must teach or suggest all of the claim limitations. M.P.E.P. § 2143. In the present case, a *prima facie* case of obviousness cannot be maintained at least because (even assuming for the sake of argument that the references did suggest or motivate a

combination of the references to a person of ordinary skill in the art at the time of the invention) *Wu* and *Chang*, whether considered singly, in combination with one another, or in combination with information generally available to those of ordinary skill in the art at the time of the invention, fail to disclose all of the elements of the pending claims.

For example, Claim 1 recites that the first and second protection paths are generated for *connectionless* signals. The references cited by the Examiner, namely *Wu* and *Chang*, do not refer to connectionless signals for which first and second protection paths are generated. As is explained in the “Detailed Description of the Invention” in the present Application on page 7, the term “connectionless signal” refers to “a signal that is not necessarily associated with any particular path from a source network element to a destination network element.” The signals in *Wu* are associated with a particular path, namely the “working rings,” depicted at Figure 11 as 551 and 552. Under ordinary circumstances, signals in *Wu* are necessarily associated with the working ring path from a source network element to a destination network element. *Column 1, lines 20-21 and 41-49*. In discussing the working rings, *Wu* refers to signals that can be detected by “*the next downstream node in the direction of data propagation* 115 or 116 around a particular ring 113 or 114 of the ring network 100.” *Column 1, lines 51-55*. By referring to signals traveling in a certain “direction” to a “downstream” node, *Wu* does not disclose signals that are connectionless, signals not necessarily associated with any particular path.

The signals in *Chang* are also not connectionless. As in *Wu*, the signals in *Chang* must travel in rings from a source network element to a destination network element. *Column 13, lines 62-65; column 14, lines 1-15; figure 12*. That the rings are interconnected in *Chang* does not make the working ring signals connectionless. In Figure 11, a signal on one ring (say, path 94.1) with a destination network element on another ring (say, on path 94.2) must still travel through the source ring (path 94.1), through the cross-connect (92), and through the destination ring (path 94.2) to reach the destination network element on the destination ring. Therefore, like *Wu*, *Chang* does not disclose connectionless signals for which first and second protection paths are generated, as required by Claim 1. For at least this reason, Claim 1 is allowable.

Furthermore, Claim 1 recites that “generating the first protection path and generating the second protection path each comprise *decomposing* the telecommunications network *into a ring*

*and at least one ear.*” As the Examiner points out, *Wu* does not disclose these limitations. The Examiner asserts that these limitations are disclosed in *Chang* -- citing Figure 12, Column 13, lines 65-67, and Column 14, lines 1-15. However, neither Figure 12 nor the cited passages nor any other portion of *Chang* discloses that generating a first protection path and generating a second protection path each comprise decomposing the telecommunications network into a ring and at least one ear, as required by Claim 1. The cited passages and figure refer to two different four-fiber bidirectional APS self-healing rings (90.1 and 90.2) interconnected by a cross-connect 92. They do not refer to a telecommunications network being decomposed into a ring and at least one ear. Again, by way of example and without limitation, Applicants direct the Examiner’s attention to the discussion of network decomposition in the present Application with reference to FIGURES 2 and 3 on pages 9-12 of the “Detailed Description of the Invention.” For at least this additional reason, Claim 1 is allowable.

Furthermore, Claim 19 contains limitations similar to those discussed above with reference to Claim 1. Therefore, for the reasons provided above, Applicants respectfully request reconsideration and allowance of Claims 1 and 19, as well as the claims that depend from these independent claims.

In addition to depending from an allowable independent claim, several of the dependent claims also include additional limitations not found in the cited references. For example, and without limitation, Claim 5 recites “charting the ring horizontally beginning with the destination node and ending with the destination node.” For a teaching of this limitation, the Examiner simply refers to *Chang*, Column 13, lines 65-67 and Column 14, 1-15. Applicants respectfully fail to see how this is a teaching of the recited limitation. The cited material refers to Figure 12, which makes no disclosure or suggestion of charting the ring horizontally beginning with the destination node and ending with the destination node. Again, by way of example and without limitation, Applicants direct the Examiner’s attention to the discussion of network decomposition and charting in the present Application with reference to FIGURE 3 on pages 11-12 of the “Detailed Description of the Invention.” For at least this additional reason, Claim 5 is allowable. Since Claims 6 and 7 share this limitation, Claims 6 and 7 are allowable for at least this additional reason. Furthermore, Claims 6 and 7 include further limitations not addressed by the Examiner.

The Examiner also rejects Claims 8-10 under 35 U.S.C. § 103(a) as being unpatentable over the combined system of *Wu* and *Chang* in view of U.S. Patent No. 6,765,880 issued to Hillard et al. ("*Hillard*"). Claim 8 has as a limitation "classifying received traffic as working traffic or protection traffic." The Examiner cites *Hillard* as disclosing this limitation at Column 9, lines 49-55. However, there is no teaching in this passage or anywhere else in the reference that received traffic is classified as working traffic or protection traffic. Rather, *Hillard* teaches a method for classifying links in a network as protectable or unprotectable, based on whether a link is a member of a loop. *Column 9, lines 49-55*. In *Hillard*, the links are classified as protectable or unprotectable; in Claim 8 of the present Application, the received traffic is classified as working traffic or protection traffic. For at least this reason, Claim 8 is allowable. Since Claims 9 and 10 share this limitation, Claims 9 and 10 are allowable for at least this reason. Furthermore, Claims 8-10 depend from independent Claim 1 and are allowable at least because they include the limitations of Claim 1, which has been shown above to be in condition for allowance. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 8-10.

Further, the Examiner rejects Claims 22-24 and 26-29 under 35 U.S.C. § 103(a) as being unpatentable over the combined system of *Wu* and *Chang* in view of U.S. Patent No. 6,473,397 issued to Au ("*Au*"). Claims 22-24 and 26-29 depend from independent Claim 19 and are allowable at least because they include the limitations of Claim 19, which has been shown to be in condition for allowance. For at least this reason, Applicants respectfully request reconsideration and allowance of Claims 22-24 and 26-29.

#### **Allowable Subject Matter**

Applicants note with appreciation the Examiner's indication that Claim 25 would be allowable if rewritten in independent form. However, Claim 25 depends from independent Claim 19, which is in condition for allowance, as discussed above. Accordingly, Applicants have not amended Claim 25.

**CONCLUSION**

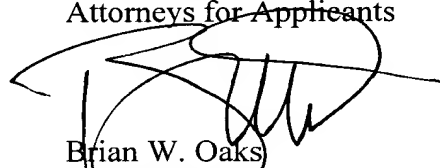
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicants, at the Examiner's convenience at (214) 953-6986.

Applicants do not believe that any fees are due. However, the Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: September 26, 2005

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